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**Z-2548**  
**STEWART MCINTYRE**  
**R3 to A**

**STAFF REPORT**  
**August 15, 2013**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Owner/Petitioner is requesting the rezoning of three vacated lots in order to expand an existing mobile home on the south side of Church Street, two blocks south of CR 900 S (Attica Street), more specifically 6806 Church Street, in the unincorporated town of Stockwell, Lauramie 8 (NE) 21-3.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

Originally part of the Howard Water's Subdivision, the three lots that comprise the subject property were vacated in 1997. This action remedied the existing nonconformity of having a dwelling crossing lot lines. North of the subject property is R1B zoning while to the south and east is R1. To the west AA zoning is found. The most recent rezone petition in the town was approved in 2011 (Z-2452) which established NBU zoning near the town's commercial center. Other rezones from the 1970's established the existing scattering of R3 zones in the town (Z-550, Z-665, Z-732, and Z-858). The rest of the town's residentially zoned areas are primarily R1 and R1B. BZA activity in the town has been limited to variance cases for setbacks (BZA-1333, BZA-1362, and BZA-1743).

**AREA LAND USE PATTERNS:**

The subject property currently is improved with a mobile home, a nonconforming use in the R3 zoning district. As the use existed prior to the *1998 Unified Zoning Ordinance*, it is considered grandfathered so long as the use is not expanded beyond its existing footprint. Properties to the north and east are residentially developed while land to the south and west is in agricultural production.

**TRAFFIC AND TRANSPORTATION:**

Church Street and S 675 E are classified as local roads by the adopted *Thoroughfare Plan*. Two existing driveways presently access both roads: One on Church Street and one on S 675 E.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

The subject property is currently served by a private well and the town's public sewer system.

**STAFF COMMENTS:**

Over the years staff has been very consistent in supporting the *Comprehensive Plan's* policy against downzoning property to an Agricultural zoning district when sanitary sewer is available. Agriculturally zoned land is, by definition, reserved primarily for agricultural uses with limited residential development. The existing development pattern of the town is one of residentially-zoned, single-family homes on public sewer located around a commercial center. The inclusion of a spot zone of Agricultural zoning will disrupt the cohesion of this development pattern in much the same way the R3 rezones from the 1970's did, and for essentially the same reason: To perpetuate mobile homes in the town.

The changes brought by the *1998 Unified Zoning Ordinance* to restrict mobile home development only to those rural, Agriculturally-zoned areas where public utilities were unavailable was done to firm up the tax base and protect the land values of those residentially-zoned communities that were connected to public sewer. While allowing an Agricultural spot zone in this case may provide relief in the short term to a single property owner who seeks to expand a nonconforming use, how, in the long term, is the tax base of the town being served and how are the property values of the other

homeowners and commercial property owners in the town being promoted?

It is staff's opinion that the more appropriate course of action, consistent with both the *Comprehensive Plan* and the *Unified Zoning Ordinance* is to construct either a traditionally-built, single-family home or a manufactured home. Both uses are permitted in the R3 zoning district and by pursuing one of these options both the nonconforming use and the need for a rezone are removed.

**STAFF RECOMMENDATION:**

Denial